

Chairwoman Mignon Clyburn  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

October 17, 2013

Re: The government shutdown's impact on the low-power FM filing window  
MM Docket No. 99-25 – Creation of a Low Power Radio Service

Dear Chairwoman Clyburn:

In light of the recent federal government shutdown and its impact on the Commission's operations, we wish to share our views regarding the low-power FM (LPFM) application process. On June 17, 2013, the Media Bureau released a public notice announcing an LPFM filing window from October 15 to 29, 2013. However, due to the shutdown of the Commission's online resources, the absence of support from furloughed Audio Division staff, and the still-pending Order on Reconsideration in the LPFM docket, that timeframe is now untenable. Given the obstacles posed by the shutdown, we request that the Commission extend the LPFM window by the length of the shutdown plus an additional week, or suspend the originally planned LPFM window and reschedule to later in 2013.

The shutdown of normal Commission operations has not only extended into the original window timeframe, but has also prevented LPFM hopefuls from preparing their applications during this time. Although groups may submit applications only during a filing window, much of the work required to complete an LPFM application requires preparation in advance of the window itself. Without access to the Consolidated Database System (CDBS) that hosts the LPFM application form, applicants have not been able to start an application, revise existing forms, create an FCC account, or even determine the information required for preparation.

Other online resources hosted by the Commission and other agencies – including antenna registration, coordinate conversion tools, height above average terrain calculators, tower information, and topographic data from the US Geological Survey – have also been unavailable. These critical tools are needed to identify viable transmission sites for LPFM, the most involved step of the application process. After a transmission site is identified, an applicant must seek reasonable assurance from the site owner and in most cases submit an exhibit demonstrating a lack of interference. Without access to online tools, progress on these steps has been impossible. Furthermore, applicants have been unable to make telephone and email inquiries to furloughed Audio Division staff, and an October 3 instructional webinar hosted by the FCC was canceled.

We note that applicants without the financial resources to hire commercial engineering firms have been disproportionately impacted by the shutdown, as these groups are more likely to rely on free public software and advice from Audio Division staff. Each of the public interest organizations represented on this letter aids LPFM applicants with free and very low-cost support made possible by government databases, which were unavailable for 16 days.

To give applicants sufficient time to prepare, we ask that the Commission extend or delay the LPFM window. We request an extension equal to the length of the shutdown plus an additional week in order to allow time for advocates and volunteers to communicate the new deadline to the public. We believe such a delay would provide LPFM applicants with sufficient time to deal with the problems resulting from the federal government shutdown while maintaining an expedient timeframe.

We commend the Commission's handling of the LPFM filing window thus far, and we especially wish to thank you, Chairwoman Clyburn, for your leadership. We look forward to a successful filing window and the expansion of a vibrant LPFM service.

Respectfully submitted,

Sanjay Jolly  
Policy Director, Prometheus Radio Project

Michelle Eyre Bradley  
Founder, REC Networks

Clay Leander  
President, Common Frequency

Rashad Robinson  
Executive Director, ColorOfChange.org

cc:

Parul Desai, Attorney/Advisor, Media Bureau; Peter Doyle, Chief, Audio Division;  
Commissioner Ajit Pai; Commissioner Jessica Rosenworcel